

and (4) STC maintains that the Department used STC's erroneously reported pre-sale warehousing expense instead of the correct expense. STC acknowledged that it originally reported a pre-sale warehousing expense which was incorrect by one decimal space.

#### DOC Position

We agree that clerical errors were made in all four instances and have revised our calculations accordingly.

#### Comment 41

STC asserts that the Department inappropriately treated STCA's pre-sale U.S. warehousing expenses as a direct selling expense. Because these expenses are incurred prior to the sale of the merchandise to unrelated parties and cannot be linked to any particular sale, STC maintains that they should be treated as indirect expenses.

#### DOC Position

We agree with STC. Because these expenses were incurred prior to STC's sale of the merchandise and cannot be directly linked to individual sales, we have treated STCA's pre-sale U.S. warehousing expense as indirect selling expenses for the final results of review.

#### Comment 42

STC argues that the Department incorrectly calculated the net price for STC's further-manufactured sales by neglecting to apply the value-added ratio to the net USP and U.S. price adjustments. STC claims that, in calculating the net USP for further-manufactured sales, the Department failed to convert USP and U.S. price adjustments from a per-roll basis to a per-PET film pound equivalent basis. In addition, STC asserts that the Department subtracted the entire profit amount from the price of the further-manufactured sales, instead of only that portion of profit attributable to the further-manufacturing process. Finally, STC argues that the Department neglected to add duty drawback to USP for further manufactured sales. STC requests that the Department modify its calculations accordingly.

#### DOC Position

We agree with STC. We have applied the value-added ratio to net USP and to the U.S. price adjustments for further-manufactured sales of subject merchandise. We also included calculations to convert net USP for further-manufactured sales and U.S. price adjustments to a per-pound basis. We also recalculated profit and deducted only that portion attributable to the further-manufacturing process.

Finally, we added duty drawback to USP for the final results of review.

#### Final Results of Review

Upon review of the comments submitted, the Department has determined that the following margins exist for the periods indicated:

Manufacturer/exporter	Percent margin
November 30, 1990 through May 31, 1992:	
SKC Limited .....	0.80
Kolon Industries .....	0.94
STC Corporation .....	16.87
April 22, 1991 through May 31, 1992:	
Cheil Synthetics .....	0.06

The Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisement instructions concerning each respondent directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed firms will be the rates outlined above, except for Cheil, which, because its weighted-average margin is *de minimis*, the cash deposit rate will be zero percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or in the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 4.82%, the all others rate established in the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as the final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties

prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: August 10, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-20436 Filed 8-16-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-475-059]

#### Pressure Sensitive Plastic Tape from Italy; Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Review.

**SUMMARY:** The Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on pressure sensitive plastic tape from Italy. The review covers 2 manufacturers/exporters of the subject merchandise shipped to the United States during the period October 1, 1993, through September 30, 1994.

We have preliminarily determined that sales have been made below the foreign market value (FMV). If the preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between United States price (USP) and the FMV.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Todd Peterson or Thomas Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4195 or 482-3814, respectively.

**Applicable Statute and Regulations**

The Department is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

**SUPPLEMENTARY INFORMATION:****Background**

On October 21, 1977, the Treasury Department published in the **Federal Register** (42 FR 56110) the antidumping finding on pressure sensitive plastic tape (PSPT) from Italy. On October 7, 1994, the Department published a notice of "Opportunity to Request Administrative Review" (59 FR 194). On October 24, 1993, the petitioner, Minnesota Mining and Manufacturing Company (3M), requested that we conduct an administrative review of N.A.R., S.p.A. (NAR) for the period October 1, 1993, through September 30, 1994. On October 13, 1994, a respondent, Autoadesivi Magri s.r.l. (Magri) also requested that we conduct an administrative review. We published a notice of initiation of the antidumping administrative review on November 14, 1994.

The Department is conducting the administrative review in accordance with section 751 of the Act.

**Scope of the Review**

Imports covered by the review are shipments of PSPT measuring over 1<sup>3</sup>/<sub>8</sub> inches in width and not exceeding 4 mils in thickness. During the period of review (POR), the above described PSPT was classified under HTS subheadings 3919.90.20 and 3919.90.50. Although the HTS subheadings are provided for convenience and for Customs purposes, our written description of the scope of this review is dispositive.

**Use of Best Information Available (BIA)**

In its February 27, 1995, response, Magri reported that its home market was not viable as a basis for FMV. It therefore reported third country sales. Based on information gathered while on verification, the Department determined that errors in Magri's reporting of the

volume and value of home market sales had materially distorted its viability analysis, *i.e.*, the home market was in fact viable and should have been used as the basis of foreign market value in accordance with the Department's normal practice (19 CFR 353.46). Although Magri attempted to respond to all the Department's requests for information, the data submitted were unverifiable. In particular, at verification in Italy we discovered that approximately 27.6% of total German sales for 1993 were unreported and 23% of German sales for 1994 were unreported. Finally, significant discrepancies and errors in Magri's sales listings were identified, thereby making it impossible to verify several of Magri's claimed adjustments. For a detailed analysis supporting these conclusions, see Magri's verification report dated July 11, 1995. Thus pursuant to 776(b) of the statute, the Department must resort to BIA.

As for NAR, it failed to respond to the Department's questionnaire. Thus pursuant to 776(c) of the statute, the Department must resort to BIA.

In deciding what to use as BIA, the Department's regulations provide that the Department may take into account whether a party refuses to provide requested information (19 CFR 353.37(b)). Thus, the Department determines, on a case-by-case basis, what constitutes BIA. For the purpose of these preliminary results, we applied the following two-tier BIA analysis where we were unable to use a company's response for purposes of determining a dumping margin (see *Final Results of Antidumping Duty Administrative Review of Antifriction Bearings and Parts Thereof from France, et al.*, 58 FR 39739, July 26, 1993):

1. When a company refuses to cooperate with the Department or otherwise significantly impedes these proceedings, we used as BIA the higher of (1) the highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the original less-than-fair-value (LTFV) investigation or prior administrative reviews; or (2) the highest rate found in this review for any firm for the same class or kind of merchandise in the same country of origin.

2. When a company substantially cooperates with our requests for information and, substantially cooperates in verification, but fails to provide the information requested in a timely manner or in the form required or was unable to substantiate it, we used as BIA the higher of (1) the highest rate even applicable to the firm for the same class or kind of merchandise from either the LTFV investigation or a prior administrative review, or if the firm has never before been investigated or reviewed, the "all others" rate from the LTFV investigation; or (2) the highest calculated rate in this review for the

class or kind of merchandise for any firm from the same country of origin.

Pursuant to 776(b) of the Act, which provides for BIA when the Department is unable to verify the accuracy of the information submitted, we are applying second-tier, cooperative BIA to Magri's entries. This rate represents the highest rate ever applied to Magri in previous antidumping proceedings.

Since NAR failed to respond to the Department's questionnaire pursuant to 776(c) of the Act, we are applying first-tier, punitive BIA to its entries. This is the highest calculated rate from a prior administrative review.

**Preliminary Results of Review**

As a result of this review, we preliminarily determine that the following margins exist for the period October 1, 1993, through September 30, 1994:

Manufacturer/Exporter	Margin
Autoadesivi Magri .....	12.66%
N.A.R. S.p.A. ....	12.66%

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. Upon completion of this review, the Department will issue appraisal instructions for each exporter directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed firm will be that firm's rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters not previously reviewed will be 12.66 percent, the "new shipper" rate established in the first notice of final results of administrative review published by the Department (48 FR 35686, August 5, 1983).

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Interested parties may request disclosure within five days of the date of publication of this notice, and may request a hearing within 10 days of the date of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first workday thereafter. Case briefs or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including its analysis of issues raised in any such written comments.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: August 4, 1995.

**Susan G. Esserman,**  
Assistant Secretary for Import Administration.

[FR Doc. 95-20441 Filed 8-16-95; 8:45 am]

BILLING CODE 3510-DS-M

### Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part

301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

*Docket Number: 95-065. Applicant:* University of Utah, Salt Lake City, UT 84112. *Instrument:* Electron Microscope, Model H-7100. *Manufacturer:* Hitachi Ltd., Japan. *Intended Use:* The instrument will be used to study plant and animal cells and tissues, microorganisms, viruses and biological macromolecules in experiments performed to determine cellular and molecular bases of neurogenesis, the cytoskeletal organization in oocytes and embryos, the development of female gametophytes in *Arabidopsis*, the location of zyxin in resting and activated platelets, and the structure and assembly of bacterial flagellar motor proteins. In addition, the instrument will be used for educational purposes in the course BIOL 5XX, Microscopy Techniques. *Application Accepted by Commissioner of Customs:* July 25, 1995.

*Docket Number: 95-066. Applicant:* University of Maryland, Department of Meteorology, College Park, MD 20742. *Instrument:* Sun Photometer and Filters, Model CE 318-1. *Manufacturer:* Cimel Electronique, France. *Intended Use:* The instrument will be used to measure both sun and sky radiance to derive total column water vapor and ozone and aerosol properties using a combination of spectral filters and azimuth/zenith viewing controlled by a microprocessor. *Application Accepted by Commissioner of Customs:* July 28, 1995.

**Frank W. Creel**

Director, Statutory Import Programs Staff

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### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Qatar

August 11, 1995.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs increasing limits.

**EFFECTIVE DATE:** August 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 16624, published on March 31, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

**Rita D. Hayes,**

Chairman, Committee for the Implementation of Textile Agreements.

**Committee for the Implementation of Textile Agreements**

August 11, 1995.

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 27, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive